

**United States Bankruptcy Court
Northern District of Ohio**

In re: Rhonda Stinard
Dennis M Stinard
Debtor(s)

Case No. _____

This motion is brought by: ☐ Debtor ☒ Joint Debtor Chapter **7**

**Debtor's Motion for Exemption From the Pre-Bankruptcy Credit
Counseling Requirement of Section 109(h)(1) of the Bankruptcy Code**

[Note: In a joint case, both the debtor and the joint debtor must obtain credit counseling. A separate motion for an exemption must be filed by each debtor requesting an exemption.]

The undersigned moves for a determination that the requirement to obtain pre-bankruptcy credit counseling does not apply. The undersigned declares under penalty of perjury that I was unable to complete the pre-bankruptcy counseling requirement based on: *[Check the applicable box below.]*

☒ **Incapacity or disability as defined in Section 109(h)(4) of the Bankruptcy Code.** That section defines incapacity to mean that the debtor is impaired by reason of mental illness or mental deficiency so that he/she is incapable of realizing and making rational decisions with respect to his or her financial responsibility. Section 109(h)(4) defines disability to mean that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in-person, telephone or Internet briefing as required by Section 109(h)(1) of the Bankruptcy Code.

☐ **Active military duty in a military combat zone.**

In support of said Motion, joint debtor states:

I am currently incarcerated at Stark County jail, waiting to be transferred to a penitentiary; the jail will not allow me to take the initial Credit Counseling Requirement, despite attempts by my attorney to try to arrange for it. I only am allowed a 15 minute phone call, and the counseling class is over one hour long. Furthermore, I am not able to read, so I can not take it by computer, nor do I have any access to a computer at any rate.

/s/ Dennis M Stinard
Dennis M Stinard
Joint Debtor

Date: April 28, 2017

[Each individual must request an exemption]